08-26-02

1631

A34535-A-PCT-USA-A (070050.1866)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Fisher *et al.*			
Serial No.	:	09/991,452	Examiner	:	Marschel, A.
Filed	:	November 21, 2001	Group Art Unit:		1631
For	:	USE OF A MELANOMA DIFFERENTIATION ASSOCIATED GENE (mda-7) FOR REVERSING A CANCEROUS PHENOTYPE			

#5 Plunkett 8/28/02

INFORMATION
DISCLOSURE
STATEMENT

EXPRESS MAIL LABEL NO. ET346775076US **August 23, 2002**

Commissioner for Patents
Washington, D.C. 20231

Sir:

Pursuant to the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants respectfully request that the citations relating to the above-mentioned application listed herein and on the accompanying PTO Form 1449 be made of record in the U.S. Patent and Trademark Office. Copies of the 57 citations listed in the accompanying PTO Form 1449 are enclosed. The Examiner's attention is invited to references marked with an asterisk (*), which are deemed to be particularly relevant.

*1. U.S. Patent No. 5,710,137 (Fisher), issued January 20, 1998 and entitled "Use of a melanoma differentiation associated gene (mda 7) for reversing a cancerous phenotype."

*2. U.S. Patent No. 5,643,761 (Fisher et al.) issued July 1, 1997 and entitled "Method for generating a subtracted cDNA library and uses of the generated library."

3. Jiang H, Lin J, Su ZZ, Fisher PB. The melanoma differentiation associated gene-6 (mda-6), which encodes the cyclin-dependent kinase inhibitor p21, may function as a negative regulator of human melanoma growth and progression. Mol Cell Different 1996;4:67-89.

*4. Jiang H, Su ZZ, Lin JJ, Goldstein NI, Young CSH, Fisher PB. The melanoma differentiation associated gene mda-7 suppresses cancer cell growth. Proc Natl Acad Sci USA 1996;93:9160-9165.

5. Grana X, Reddy EP. Cell cycle control in mammalian cells: role of cyclins, cyclin dependent kinases (CDKs), growth suppressor genes and cyclin-dependent kinase inhibitors (CKIs). Oncogene 1995;11(2):211-219.

*6. International Publication No. W095/11986, published May 4, 1995, corresponding to PCT Application No. PCT/US94/12160 by Fisher et al. entitled "Method for generating a subtracted cDNA library and uses thereof."

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The submission of this Information Disclosure Statement does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants

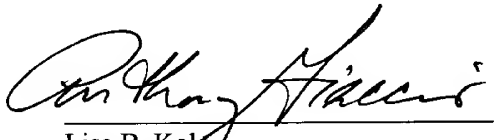
determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed, Applicants believe, before the mailing date of a first Office Action on the merits for the above-referenced application. Therefore, Applicants do not believe that any fee is due connection with the filing of this Statement. However, if any fee is due or overpayment made, the Commissioner is authorized to charge any such fee, and to credit any overpayment, to our Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



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Enclosures

Form PTO-1449 U.S. Department of Commerce
(REV. 2-82) Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Use several sheets if necessary)

Atty. Docket No.	Serial No.
A34535-A-PCT-USA-A (070050.1866)	09/991,452
Applicant: Fisher et al.	
Filing Date: November 21, 2001	Group: 1631

U.S. PATENT DOCUMENTS

*Exam. Init.		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	*1.	5,674,367	07/01/97	Fisher			
	*2.	5,710,132	01/20/98	Fisher			

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Subclass	Translation No
	*6.	✓ WO 95/11986	5/4/95	WIPO			

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

	3.	✓ Jiang H, Lin J, Su ZZ, Fisher PB. The melanoma differentiation associated gene-6 (mda-6), which encodes the cyclin-dependent kinase inhibitor p21, may function as a negative regulator of human melanoma growth and progression. Mol Cell Different 1996;4:67-89.
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	✓	Baker SJ, Markowitz S, Fearon ER, Willson JK, Vogelstein B. Suppression of human colorectal carcinoma cell growth by wild-type p53. Science 1990;249(4971):912-915.
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	55.	✓	Maniatis, T., et al. (1982) "Strategies for cDNA cloning" Molecular Cloning: A Laboratory Manual, Cold Spring Harbor Laboratory, 224-228.
	56.	✓	Grodzicker T, Klessig DF. Expression of unselected adenovirus genes in human cells co-transformed with the HSV-1 tk gene and adenovirus 2 DNA. Cell 1980;21(2):453-463.
	57.	✓	Graham FL, Smiley J, Russell WC, Nairn R. Characteristics of a human cell line transformed by DNA from human adenovirus type 5. J Gen Virol 1977;36(1):59-72.

Examiner Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.